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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,101	03/24/2004	Ian Richard Beaumont	00169.101769.	2522

5514 7590 01/19/2007
FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

YANG, ANDREW GUS

ART UNIT	PAPER NUMBER
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2628

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/807,101	BEAUMONT, IAN RICHARD	
	Examiner	Art Unit	
	Andrew Yang	2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-14 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-11 of U.S. Patent No. 7,145,578.

Although the conflicting claims are not identical, they are not patentably distinct from each other because of obvious reasons.

With respect to pending claim 1, U.S. Patent No. 7,145,578 discloses a method in claim 1 of forming object similar to pending claim 1. It is noted that patented claim 1 does not expressly disclose at least partly formed object groups form a list. However, patented claim 4 discloses storing received objects in a temporary buffer if the received object has not been grouped. OFFICIAL NOTICE is taken that it is well known that a list

Art Unit: 2628

of formed objects can be used as a temporary buffer. Therefore, it would have been obvious for formed object groups to form a list because this would provide a buffer to store received objects for determining if the received objects form object groups. Outputting for rendering a completely formed object group based on priorities is disclosed in patented claims 1-3 and 6.

With respect to pending claim 2, U.S. Patent No. 7,145,578 discloses the method of pending claim 1, wherein said outputting step includes outputting the completely formed object group if the completely formed object group is the object group in the list of a type associated with the detection scheme with a highest priority. Patented claim 3 discloses outputting for rendering said object group if it is determined that said grouping step completes said object group and patented claim 1 discloses objects grouped in descending priority order.

With respect to pending claim 3, U.S. Patent No. 7,145,578 discloses the method of pending claim 1, wherein the data describing said received object is passed to detection schemes having associated object group types where the received object is a potential member of an object group of the associated object group types, and detection schemes having object groups in the list. Patented claim 1 contains a similar step of having object groups in the list; see rationale for rejection of claim 1.

With respect to pending claim 4, U.S. Patent No. 7,145,578 discloses the method of pending claim 1, further comprising the step of outputting for rendering received objects not forming part of the object groups.

With respect to pending claim 5, U.S. Patent No. 7,145,578 discloses the method of pending claim 1, further comprising the step of outputting for rendering previously received objects that were forming part of one or more object groups that have not been output, where at least one of the objects of the completely formed object groups have been output. Patented claim 3 discloses outputting for rendering said object group if it is determined that said grouping step completes said object group.

With respect to pending claim 6, U.S. Patent No. 7,145,578 discloses the method of pending claim 5, wherein the previously received objects are output for rendering (i) individually or (ii) as a group, depending on an attribute of the detection scheme associated with the type of the object group of which the previously received objects form part. Objects are output for rendering individually if they do not form a group, as in patented claim 5, or as a group if they form an object group as in patented claim 6.

With respect to pending claim 7, U.S. Patent No. 7,145,578 discloses a graphics rendering system in claim 8 similar to pending claim 7. Patented claim 8 includes a system for performing a similar step of forming an object group list as in pending claim 1; see rationale for rejection of pending claim 1.

With respect to pending claim 8, U.S. Patent No. 7,145,578 discloses the system of pending claim 7. Patented claim 8 includes a system for performing the method of pending claim 2; see rationale for rejection of pending claim 2.

With respect to pending claim 9, U.S. Patent No. 7,145,578 discloses the system of pending claim 7. Patented claim 8 includes a system for performing the method of pending claim 3; see rationale for rejection of pending claim 3.

With respect to pending claim 10, U.S. Patent No. 7,145,578 discloses the system of pending claim 7. Patented claim 8 includes a system for performing the method of pending claim 4; see rationale for rejection of pending claim 4.

With respect to pending claim 11, U.S. Patent No. 7,145,578 discloses the system of pending claim 7. Patented claim 8 includes a system for performing the method of pending claim 5; see rationale for rejection of pending claim 5.

With respect to pending claim 12, U.S. Patent No. 7,145,578 discloses the system of pending claim 11. Patented claim 8 includes a system for performing the method of pending claim 6; see rationale for rejection of pending claim 6.

With respect to pending claim 13, U.S. Patent No. 7,145,578 discloses a computer program product in claim 11 similar to pending claim 13. Patented claim 11 includes as computer program product for implementing a similar step in pending claim 1; see rationale for rejection of pending claim 1.

With respect to claim 14, U.S. Patent No. 7,145,578 discloses the computer program product of pending claim 13. Patented claim 11 includes a computer program product for implementing the method of pending claim 2; see rationale for rejection of pending claim 2.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Yang whose telephone number is (571) 272-5514. The examiner can normally be reached on 8:30-5 M-F.

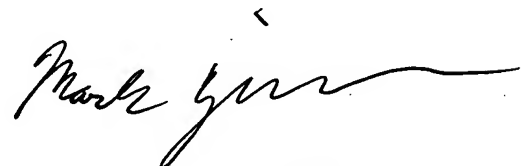
Art Unit: 2628

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Zimmerman can be reached on (571) 272-7653. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AGY

1/12/07



MARK ZIMMERMAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600